

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

Norfolk Division

UNITED STATES OF AMERICA)
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v.) **CRIMINAL NO. 2:16cr137**
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BRUCE LEE SCOTT)
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)
Defendant.)

GOVERNMENT'S POSITION WITH REGARD TO SENTENCING

The United States of America, by and through its attorneys, Dana J. Boente, United States Attorney for the Eastern District of Virginia, and Randy Stoker, Assistant United States Attorney, offers the following with respect to sentencing. The United States concurs with the guideline calculation set forth in the Presentence Investigation Report (PSR), which includes granting the Defendant the additional one-level reduction for acceptance of responsibility. The government recommends a sentence within the guideline range, which is 360 – 480 months. The government also recommends the maximum term of supervised release.

I. BACKGROUND

On October 20, 2016, defendant BRUCE LEE SCOTT pled guilty pursuant to a plea agreement to a one-count criminal information charging him with receipt of child pornography, in violation of 18 U.S.C. § 2252(a)(2).

Restitution does not apply in this case. SCOTT appears to be indigent, therefore the enhanced special assessment set forth in 18 U.S.C. 3014 would not apply.

II. MOTION FOR REDUCTION DUE TO ACCEPTANCE OF RESPONSIBILITY

The United States concurs with the PSR in that the defendant has demonstrated acceptance of responsibility for his offense. Further, the government believes that the defendant has assisted

authorities in the investigation and prosecution of his own misconduct by timely notifying authorities of his intention to enter a plea of guilty and hereby moves the Court to grant the additional one-level reduction pursuant to U.S.S.G. § 3E1.1(b).

III. SENTENCING ARGUMENT

A. Nature and Circumstances of the Offense

The Statement of Facts and the relevant conduct section of the PSR adequately chronicle the criminal activities of the defendant. The following facts are offered to summarize the offense and highlight key aspects of the defendant's conduct.

The defendant participated in a file-sharing network over the internet through which he was able to receive and distribute numerous videos of child pornography. A search warrant identified a laptop which housed the defendant's collection of child pornography videos. Several videos contained graphic depictions of minors engaged in sexually explicit conduct, including sadistic and masochistic behavior. He was attributed with possessing 4,529 images.

The search warrant also revealed sexually explicit letters and notes exchanged between the defendant and a minor. Further investigation confirmed that the defendant had engaged in multiple episodes of sexual contact with a minor over a period of at least one month.

B. History and Characteristics of the Defendant

Defendant is a thirty-year-old native of Virginia Beach. His most consistent period of employment was from 2004 to 2006 when he served in the U.S. Marine Corps. He attained the rank of private first class before being receiving a General Discharge (Under Honorable Conditions). He also worked in auto repair and did seasonal odd jobs.

The defendant was raised primarily by his mother, who divorced his father when SCOTT was two. The defendant has recently reported that he was abused as a child by his mother's second husband. He also reports having a substance abuse problem for which he received some treatment while incarcerated in North Carolina. SCOTT is in good physical health.

In November 2006, the defendant was convicted of indecent liberties with a child in November 2006 in Onslow County North Carolina. He was sentenced to 16 to 20 months in jail, but the sentence was suspended on conditions of 60 months of probation, no contact with the victim, and payment of court costs. On January 16, 2007, his probation was revoked and he received the 16-to-20-month jail sentence.

The defendant was also convicted of obstructing justice in February 2009 in Pitt County North Carolina due to his failure to register as a sex offender. He received 45 days in jail. In 2014, he was convicted in Virginia Beach, again for failing to register as a sex offender. SCOTT has other convictions for driving on a suspended license, larceny, and numerous failures to appear in court. According to the PSR, his criminal history puts him in criminal history category IV.

C. Other Factors to Consider

Section 3553(a) of Title 18 also states that the Court should fashion a sentence that reflects the seriousness of the offense, promotes respect for the law, and protects the public from further crimes of the defendant. These factors should be given substantial weight given the nature of the instant offense and the pattern of conduct evinced by the defendant's troubling criminal history. The fullest extent of correctional treatment is clearly appropriate.

IV. CONCLUSION

For the reasons stated above, we ask that the defendant receive a sentence within the guideline range. The government also asks for the maximum period of supervised release.

DANA J. BOENTE
UNITED STATES ATTORNEY

By: _____/s/
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3d day of February, 2017, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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I certify that on this 3d day of February, 2017, I caused a true and correct copy of the foregoing Government's Position Regarding Sentencing to be sent to the following:

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